

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

REGGIE LOCKETT,

Plaintiff,

v.

**GEORGIA DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants.

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No. 5:18-cv-00402-MTT-MSH

ORDER OF DISMISSAL

Pro se Plaintiff Reggie Lockett, a prisoner in the Baldwin State Prison in Hardwick, Georgia, filed a handwritten document, which was docketed in this Court as a civil rights complaint under 42 U.S.C. § 1983. Compl., ECF No. 1. Plaintiff did not, however, file his complaint on the § 1983 complaint form designed for use by *pro se* prisoner litigants. *See id.* Moreover, based on the allegations in the document, it was unclear whether Plaintiff actually intended to file a § 1983 civil rights complaint or a § 2254 habeas corpus petition.

Therefore, Plaintiff was ordered to clarify his claims by refiling them on the proper form. Order, Nov. 16, 2018, ECF No. 4. Additionally, Plaintiff was ordered to either pay the appropriate filing fee or move for leave to proceed *in forma pauperis*. *Id.* at 2. Plaintiff was given twenty-one days to comply and was cautioned that his failure to do so could result in the dismissal of this action. *Id.* at 2-3.

Thereafter, Plaintiff did not comply with the order to recast his pleading and either

pay the filing fee or move for leave to proceed *in forma pauperis*. Plaintiff was, therefore, ordered to show cause why this case should not be dismissed for failure to comply with the previous order. Order to Show Cause, ECF No. 5. Plaintiff was given twenty-one days to respond and was cautioned that his failure to do so would result in the dismissal of this action.

To date, Plaintiff has not responded to the show cause order. Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute his case, it is hereby **ORDERED** that Plaintiff's Complaint be **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 5th day of February, 2019.

s/Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT